

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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February 7, 2020

Rudy Hernandez, Interim City Manager
City of Orange Cove
633 Sixth Street
Orange Cove, CA 93646

Dear Rudy Hernandez:

RE: Review of the City of Orange Cove's 5th Cycle (2015-2023) Draft Four-Year Housing Element Update

Thank you for submitting Orange Cove's draft Housing Element received for review on December 11, 2019, along with revisions received on January 15 and 27, 2020, and February 5, 2020. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by various communications with consultant Greg Collins.

The draft element, incorporating the revisions submitted, meets the statutory requirements of state Housing Element law. The Housing Element will comply with state Housing Element law (Article 10.6 of the Government Code) when it is adopted, submitted to and approved by HCD, in accordance with Gov. Code section 65585.

However, please note that HCD found the prior adopted Housing Element in compliance on March 4, 2019, based in part on the implementation of Adequate Sites Program 10 to accommodate Orange Cove's regional housing need of 197 units for lower-income households. Specifically, Program 10 committed to annex and rezone at least 10 acres to R-3 by December 31, 2019, with minimum densities of 20 units per acre to permit multifamily housing without discretionary review. The city also committed to reporting progress to HCD on a monthly basis. To date, these actions have not been completed.

Be advised that timeframes imposed pursuant to Gov. Code Section 65583(c)(1)(A) have elapsed; therefore, the provisions of Gov. Code Section 65583(g) apply to Orange Cove. All sites included in Tables 34 and 35 are subject to these provisions. Specifically Gov. Code Section 65583(g) states in the event a local government fails to complete rezoning by the deadline prescribed in Gov. Code Section 65583(c)(1)(A), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed

discretionary permit, or impose a condition that would render the project infeasible, if the housing development project is 1) proposed to be located on a site required to be rezoned, and 2) complies with applicable objective General Plan and zoning standards and criteria, including design review standards, described in the rezone program action.

In addition, any subdivision of sites shall be subject to the Subdivision Map Act and design review shall not constitute a "project". Noncompliance with these requirements and other requirements of state law creates the risk of the jurisdiction being subject to a lawsuit and court order to compel action and compliance.

HCD understands the city anticipates completing the annexation of the Program 10 sites with the Local Agency Formation Commission (LAFCO) during the summer of 2020, following Planning Commission and City Council approvals in March and April 2020. As a reminder, the city must monitor and report on the results of this and other programs through the annual progress report, required pursuant to Gov. Code section 65400. HCD will monitor progress and may revoke compliance due to failure to timely implement this program as described.

In addition, public participation in the development, adoption and implementation of the Housing Element is essential to effective housing planning. Throughout the Housing Element process, the city should continue to engage the community, including organizations that represent lower-income and special-needs households, by making information regularly available and considering and incorporating comments where appropriate.

Please be aware that the city's prior Housing Element submittals were late and did not meet statutory deadlines. Specifically, Gov. Code section 65588, subd.(e)(4) requires a jurisdiction that failed to adopt its Housing Element within 120 calendar days from the statutory due date, December 31, 2015 for Orange Cove, to update its element every four years. Orange Cove can gain back an eight-year planning period once adopting at least two consecutive updates by the statutory due dates.

Several federal, state, and regional funding programs consider Housing Element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities program; and the SB 2 Planning Grants as well as ongoing SB 2 funding consider Housing Element compliance and/or annual reporting requirements pursuant to Gov. Code section 65400. With a compliant Housing Element, Orange Cove will meet Housing Element requirements for these funding sources.

HCD appreciates the diligence and responsiveness provided during the course of our review. HCD is committed to assisting Orange Cove in addressing all statutory requirements of Housing Element law. If you have any questions or need technical assistance, please contact Paul McDougall, of our staff at paul.mcdougall@hcd.ca.gov or (916) 263-7420.

Sincerely,

A handwritten signature in black ink that reads "Shannan West". The signature is written in a cursive, flowing style.

Shannan West
Land Use & Planning Manager